

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.	50623.332
First Inventor	Stephen D. Pacetti
Title	A Method of Forming A Diffusion Barrier Layer for Implantable Devices
Express Mail Label No.	EV 337 972 501 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Sheets
5. Combined Declaration/Power of Attorney [Pages
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Copy of Assignment Papers (cover sheet & documents) (4 pages)
10. 37 C.F.R. §3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment [9 pages]
14. 2 Return Receipt Postcards (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No: 09 / 750,515

Prior application information: Examiner Hieu Phan

Group / Art Unit: 3738

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	(Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> or <input type="checkbox"/> Correspondence address below	
Name	Paul J. Meyer, Jr.				
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	One Maritime Plaza, Suite 300				
City	San Francisco	State	CA	Zip Code	94111
Country	US	Telephone	(415) 954-0200	Fax	(415) 393-9887

Name (Print/Type)	Paul J. Meyer, Jr.	Registration No. (Attorney/Agent)	47,791	
Signature			Date	September 8, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Mail Stop Patent Applications, P.O. Box 1450, Alexandria, VA 22313-1450

22151 U.S. PTO
10/658348
03/08/03

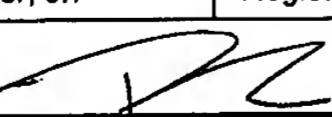
FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)
1032.00

Complete if Known	
Application Number	New
Filing Date	Herewith
First Named Inventor	Stephen D. Pacetti
Examiner Name	Hieu Phan
Art Unit	3738
Attorney Docket No.	50623.332

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																																																																																			
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ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td></td><td></td><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td></td><td></td><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td></td><td></td><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td></td><td></td><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td></td><td></td><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td></td><td></td><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td></td><td></td><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td></td><td></td><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td></td><td></td><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td></td><td></td><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td></td><td></td><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td></td><td></td><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td></td><td></td><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td></td><td></td><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td></td><td></td><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td></td><td></td><td>1453</td><td>1,300</td><td>2453</td><td>650</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td></td><td></td><td>1501</td><td>1,300</td><td>2501</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td></td><td></td><td>1502</td><td>470</td><td>2502</td><td>235</td><td>Design issue fee</td><td></td></tr> <tr><td></td><td></td><td>1503</td><td>630</td><td>2503</td><td>315</td><td>Plant issue fee</td><td></td></tr> <tr><td></td><td></td><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td></td><td></td><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr> <tr><td></td><td></td><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td></td><td></td><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td></td><td></td><td>1809</td><td>750</td><td>2809</td><td>375</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td></td><td></td><td>1810</td><td>750</td><td>2810</td><td>375</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td></td><td></td><td>1801</td><td>750</td><td>2801</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td></td><td></td><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="4">SUBTOTAL (3) (\$ 0)</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="4">SUBTOTAL (3) (\$ 0)</td> </tr> <tr> <td colspan="8"> <small>**or number previously paid, if greater; For Reissues, see above</small> </td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid			1051	130	2051	65	Surcharge - late filing fee or oath				1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.				1053	130	1053	130	Non-English specification				1812	2,520	1812	2,520	For filing a request for reexamination				1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action				1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action				1251	110	2251	55	Extension for reply within first month				1252	410	2252	205	Extension for reply within second month				1253	930	2253	465	Extension for reply within third month				1254	1,450	2254	725	Extension for reply within fourth month				1255	1,970	2255	985	Extension for reply within fifth month				1401	320	2401	160	Notice of Appeal				1402	320	2402	160	Filing a brief in support of an appeal				1403	280	2403	140	Request for oral hearing				1451	1,510	1451	1,510	Petition to institute a public use proceeding				1452	110	2452	55	Petition to revive – unavoidable				1453	1,300	2453	650	Petition to revive – unintentional				1501	1,300	2501	650	Utility issue fee (or reissue)				1502	470	2502	235	Design issue fee				1503	630	2503	315	Plant issue fee				1460	130	1460	130	Petitions to the Commissioner				1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)				1806	180	1806	180	Submission of Information Disclosure Stmt				8021	40	8021	40	Recording each patent assignment per property (times number of properties)				1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))				1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))				1801	750	2801	375	Request for Continued Examination (RCE)				1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (3) (\$ 0)				*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 0)				<small>**or number previously paid, if greater; 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Signature				Date	September 8, 2003																																																																																																																																																																																																																																																																		

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Approved for use through 10/31/2002. OMB 0651-0031

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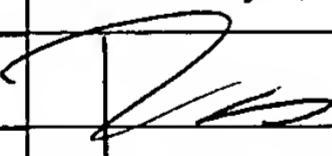
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	New
		Filing Date	Herewith
		First Named Inventor	Stephen D. Pacetti
		Group Art Unit	3738
		Examiner Name	Hieu Phan
Total Number of Pages in This Submission	93	Attorney Docket Number	50623.332

ENCLOSURES (check all that apply)

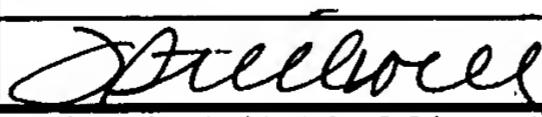
<input checked="" type="checkbox"/> Deposit Account 07-1850 Authorization <input checked="" type="checkbox"/> 2 Postage Paid Return Postcards <input checked="" type="checkbox"/> Preliminary Amendment (9 pages) <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) <input checked="" type="checkbox"/> Utility Patent Application Transmittal <input checked="" type="checkbox"/> Copy of Combined Declaration/ Power of Attorney (2 pages) <input type="checkbox"/> Information Disclosure Statement (in duplicate) with Form PTO-1449 and References <input checked="" type="checkbox"/> Express Mail Label No. EV 337 972 501 US <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Copy of Assignment Papers (cover sheet & documents) (4 pages) <input checked="" type="checkbox"/> Formal Drawings [4 sheets] <input checked="" type="checkbox"/> Specification (71 pages) <input type="checkbox"/> Request for Continued Examination Transmittal (RCE) <input type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Paul J. Meyer, Jr., Reg. No. 47,791		
Signature			
Date	September 8, 2003		

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: September 8, 2003

Typed or printed name	Judi Stillwell		
Signature		Date	September 8, 2003

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